No. L.D. 1381—Legis. 18-49-26, dated, Bangalore, the 16th March 1950.

Ordered that the accompanying Emblems and Names (Prevention of Improper use) Act, 1950 (XII of 1950) published in the Gazette of India, dated the 7th March 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government, Law Department.

Received the assent on the 1st March 1950.

ACT No. XII OF 1950.

THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT 1950.

AN

ACT

to prevent the improper use of certain emblems and names for professional and commercial purposes.

Be it enacted by parliament as follows:—

1. Short title, extent, application and commencement.—(1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and also applies to citizens of India outside India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires.—

(*a*) "emblem" means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule;

(*b*) "competent authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons or any trade mark or design or to grant a patent;

(*c*) "name" includes any abbreviation of a name.

3. Prohibition of improper use of certain emblems and names.—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.

4. Prohibition of registration of certain companies, etc.—(1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall.—

(*a*) register any company, firm or other body of persons which bears any name, or

(*b*) register a trade mark or design which bears any emblem or name, or

(*c*) grant a patent in respect of an invention which bears a title containing any emblem or name,
if the use of such name or emblem is in contravention of section 3.

(2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority may refer the question to the Central Government, and the decision of the Central Government thereon shall be final.

5. Penalty.—Any person who contravenes the provisions of section 3 shall be punishable with fine which may extend to five hundred rupees.

6. Previous sanction for prosecution.—No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

7. Savings.—Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

8. Power of the Central Government to amend the Schedule.—The Central Government may, by notification in the Official Gazette, add to or alter the Schedule, and any such addition or alteration shall have effect as if it had been made by this Act.

9. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

THE SCHEDULE

[*See* sections 2(*a*) and 3.]

1. The name, emblem or official seal of the United Nations Organization.

2. The name, emblem or official seal of the World Health Organization.

3. The Indian National Flag.

4. The official seal or emblem of the Government of India or of any State, or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government.

No. L.D. 1501—Legis. 18-49-28, dated Bangalore, the 20th March 1950.

Ordered that the accompanying The Parliament (Prevention of Disqualification) Act, 1950 (XIX of 1950) published in the *Gazette of India*, dated the 11th March 1950, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 11th March 1950.

THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1950 (XIX OF 1950).

AN

ACT

to make provision in regard to certain offices of profit under article 102 of the Constitution.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called The Parliament (Prevention of Disqualification) Act, 1950.

2. **Prevention of disqualification for membership of Parliament.**—A person shall not be disqualified for being chosen as, and for being, a member of Parliament by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State, namely, an office of a Minister of State or a Deputy Minister or a Parliamentary Secretary or a Parliamentary Under-Secretary.

K. V. K. SUNDARAM, *Secy.*

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